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PART II—Section 2

Bills and Reports of Select Committees on Bills

HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 9th July, 1952.—

BILL No. 84 OF 1952

A Bill further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Preventive Detention (Second Amendment) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1, Act IV of 1950.—In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the words and figures "1st day of October, 1952" the words and figures "31st day of December, 1954" shall be substituted.

3. Amendment of section 2, Act IV of 1950.—In section 2 of the principal Act, in clause (a), for the words "Chief Commissioner" the words "Lieutenant-Governor or, as the case may be, the Chief Commissioner" shall be substituted.

4. Amendment of section 3, Act IV of 1950.—In section 3 of the principal Act,—

(i) to sub-section (3), the following words shall be added at the end, namely:—

"and no such order made after the commencement of the Preventive Detention (Second Amendment) Act, 1952, shall remain in force for more than fifteen days after the making thereof unless in the meantime it has been approved by the State Government.";

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) When any order is made or approved by the State Government under this section, the State Government shall, as soon as may be, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the State Government have a bearing on the necessity for the order.”

5. Amendment of section 6, Act IV of 1950.—Section 6 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) every offence under clause (b) of sub-section (1) shall be cognizable.”

6. Amendment of section 10, Act IV of 1950.—In sub-section (1) of section 10 of the principal Act, for the words, “if in any particular case it considers it essential” the words “it in any particular case it considers it essential so to do or if the person concerned desires to be heard,” shall be substituted.

7. Insertion of new section 12A in Act IV of 1950.—After section 12 of the principal Act, the following section shall be inserted, namely:—

“12A. *Maximum period of detention.*—(1) The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 11 shall be twelve months from the date on which the said order has been so confirmed.

(2) Notwithstanding anything contained in sub-section (1), every detention order which has been confirmed under section 11 before the commencement of the Preventive Detention (Second Amendment) Act, 1952, shall, unless a shorter period is specified in the order continue to remain in force until the 1st day of April, 1953, or until the expiration of twelve months from the date on which it was confirmed under section 11, whichever period of detention expires later.

(3) The provisions of sub-section (2) shall have effect notwithstanding anything to the contrary contained in section 3 of the Preventive Detention (Amendment) Act, 1952 (XXXIV of 1952), but nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.”

8. Amendment of section 13, Act IV of 1950.—In sub-section (2) of section 13 of the principal Act, for the word “revocation” the words “revocation or expiry” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Preventive Detention Act, 1950, is due to expire on the 1st October, 1952. The primary reason for the enactment of this legislation was to protect the country against activities intended to subvert the Constitution and the maintenance of law and order or to interfere with the maintenance of Supplies and Services essential to the community. Attempts

to do so, though considerably reduced in tempo, have not ceased and it is considered essential that the powers conferred by the Preventive Detention Act should be continued. Instead of going to Parliament year after year for the extension of the life of the Act, it is proposed to extend its life up to 31st December, 1954. At the same time, a maximum period of detention has been provided in the Bill, so that no person will hereafter be detained for more than twelve months from the date of confirmation of the detention order, while those already in detention may be detained until the 1st April, 1953 or until the expiry of twelve months from the date on which their detention orders were confirmed, whichever period expires later. The Bill also contains the following other main provisions:—

(i) The existing Act authorises district magistrates, additional district magistrates specially empowered in this behalf by the State Government, Commissioners of Police in Bombay, Calcutta, Madras and Hyderabad and Collectors in Hyderabad State to pass detention orders. These orders have to be reported by them for the information of the State Government but are not subject to confirmation. Provision has now been made that the orders passed by them hereafter shall be subject to the approval of the State Governments within a period of fifteen days.

(ii) To enable the Central Government effectively to discharge, where necessary, its functions under section 13 of the Act, provision has been made for a copy of the order of detention issued or approved by State Governments to be sent to the Central Government.

(iii) The Act provides that an Advisory Board may hear a detenu in person if in any particular case it considers it essential to do so. In addition, provision has now been made in the Bill that a detenu shall be heard in person if he desires to be so heard.

(iv) It has recently been pointed out by a High Court that clause (b) of section 6 of the Act does not permit the arrest of an absconding person wherever he is found because the offence under that clause is not cognizable and there is no knowing where the absconder will discover himself and the police officer arresting him may not have the detention order with him in all cases. To obviate this difficulty, it is now being provided that the offence shall be cognizable.

The other amendments are of a minor character.

KAILAS NATH KATJU.

NEW DELHI;

The 8th July, 1952.

The following Bill was introduced in the House of the People on 14th July, 1952:—

BILL* No. 87 OF 1952

A Bill further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Tariff (Third Amendment) Act, 1952.

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to the House of the People the introduction of the Bill

2. Amendment of section 4A, Act XXXII of 1934.—In section 4A of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words “a temporary amendment” the words “an amendment” shall be substituted; and

(b) for sub-section (3), the following sub-section shall be substituted namely:—

“(3) For the removal of doubts it is hereby declared that any notification approved by Parliament, whether with or without modifications, may be rescinded by the Central Government at any time by notification in the Official Gazette.”

3. Validation of certain notifications.—Notwithstanding anything contained in sub-section (3) of section 4A of the principal Act as in force immediately before the commencement of this Act, the notifications of the Government of India in the Ministry of Finance (Revenue Division), No. S.R.O. 857 and No. S.R.O. 1008, dated the 1st day of June, 1951 and the 30th day of June, 1951, respectively, shall be deemed never to have ceased to have effect, and shall continue to be in force.

STATEMENT OF OBJECTS AND REASONS

Section 4A of the Indian Tariff Act, 1934, empowers the Central Government, by notification, to direct an amendment in the Second Schedule to the said Act to be made so as to provide for an increase in the export duty leviable or the levy of an export duty on any article. But every notification so issued, by reason of sub-section (3), ceased to have effect from the 1st day of March, 1952. These powers are still required and this Bill seeks to remove the restriction placed by sub-section (3) on the life of the notifications issued thereunder and duly approved by Parliament.

2. Incidentally, the Bill also seeks to validate and continue in force certain notifications which have received the approval of Parliament under sub-section (2) under which duties have been and are being collected.

T. T. KRISHNAMACHARI.

NEW DELHI;

The 12th July, 1952.

The following Bill was introduced in the House of the People on 15th July, 1952:—

BILL No. 86 OF 1952

A Bill further to amend the Central Tea Board Act, 1949.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Central Tea Board (Amendment) Act, 1952.

2. Amendment of section 4, Act XIII of 1949.—In sub-section (3) of section 4 of the Central Tea Board Act, 1949 (hereinafter referred to as the principal Act), to clause (v) the following proviso shall be added, namely,—

“Provided that it shall be lawful for an official so nominated to depute in the prescribed circumstances another official to attend any meeting of the Board on his behalf.”

3. Amendment of section 15, Act XIII of 1949.—In sub-section (3) of section 15 of the principal Act, to clause (b) the following words shall be added at the end, namely:—

“and the circumstances in which an official nominated by the Central Government under clause (v) of sub-section (3) of section 4 may depute another official of that Government to attend any meeting of the Board on his behalf;”.

STATEMENT OF OBJECTS AND REASONS.

Under clause (v) of sub-section (3) of section 4 of the Central Tea Board Act, 1949, four officials are to be nominated by the Central Government as members of the Central Tea Board constituted under that section. The object of this provision is to establish a close liaison between the Central Government and the tea industry. In view of the exigencies of the service, however, difficulties have been experienced by officials in regularly attending the meetings of the Board and this liaison cannot be maintained unless the nominated official has the power to depute another official to attend the meetings on his behalf whenever necessary. Rules will prescribe the circumstances in which officials may be so deputed.

The present Bill has been designed to secure the above object.

T. T. KRISHNAMACHARI.

NEW DELHI,
The 5th July, 1952.

M. N. KAUL,
Secretary.

